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Patent Docket P1134R2C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	Group Art Unit: 1646
Avi J. Ashkenazi	Examiner: C. Kaufman
Serial No.: 09/896,096	<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</b>
Filed: 06/28/2001	Express Mail Label No.: <u>E#38617795316</u> Date of Deposit: <u>1-18-06</u>
For: DcR3 polypeptide, a TNFR homolog	I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop 8, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.
	<u>David A. Lopez</u> (name)

Request for Extension of Time under 37 CFR

1.304(a)(3)(ii) to File a Notice of Appeal

Mail Stop 8  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SOLICITOR**

**JAN 20 2006**

**U.S. PATENT & TRADEMARK OFFICE**

Dear Sir:

The Board of Patent Appeals and Interferences ("Board") rendered a decision in the above-captioned matter on October 20, 2005. The decision was mailed to the Appellant on November 14<sup>th</sup>, 2005. Accordingly, the original 60-day deadline for filing a Notice of Appeal with the Director of the U.S. Patent and Trademark Office ("Director") and the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit") expired on January 13, 2006.

Appellant hereby requests, pursuant to 37 C.F.R. 1.304(a)(3)(ii), that the Director extend the deadline for filing the Notice of Appeal from the original deadline of January 13, 2006 until today, January 18, 2008, or a time in the future agreeable to the Director due to the following "excusable neglect."

On the original deadline of January 13, 2006, a Notice of Appeal was timely filed (via hand delivery) with the Federal Circuit. A courtesy copy was also sent on the same day, by Federal Express overnight delivery, to the Board of Patent Appeals and Interferences. However, due to administrative error, the Express Mail package intended for delivery to

the Director at the above-indicated address, was inadvertently mailed to the Federal Circuit, not the Director. Accordingly, the Director likely did not actually receive a copy of the Notice unless it has been forwarded by the Board.


The error that led to the delivery by Express Mail service of the copy intended for the Director to the Federal Circuit appears to be the insertion of an incorrect address on the Express Mail forms. The enclosed copy of the Notice of Appeal reflects that the Notice itself is correctly addressed to the Director at the addresses specified for delivery of a Notice of Appeal. The enclosed copy also illustrates the error in addressing on the Express Mail forms (i.e., the address inserted into the form is that of the Federal Circuit, not the Director).

This request for an extension of the deadline, due to the above-described excusable neglect, is being made the same day that the administrative error was discovered. Accordingly, Appellant requests that the deadline to file the Notice of Appeal be extended to today, January 18<sup>th</sup> (or some later date agreeable to the Director) and that the attached Notice of Appeal be considered as timely filed under 35 U.S.C. § 142 and 37 C.F.R. § 1.304.

If you should have any questions or request additional information, please contact the undersigned.

Respectfully submitted,  
GENENTECH, INC.

Date: January 18, 2006

By:   
Jeffrey P. Kushan  
Reg. No. 43,401  
Telephone No. (202) 736-8914



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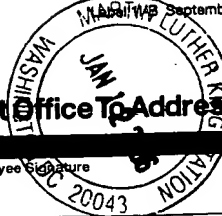


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